

REMARKS

By this Amendment, claims 1, 13, 25, 39 and 41 are amended and claims 42 and 43 are added. Accordingly, claims 1-43 are pending in this application. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Anya at the interview held on July 15, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Applicants gratefully acknowledge the indication that claims 25-31, 39 and 41 contain allowable subject matter. Claims 25, 39 and 41 are rewritten in independent form to place claims 25-31, 39 and 41 in condition for allowance. Withdrawal of the objection to these claims is respectfully requested.

As discussed at the personal interview, claims 13 and 25 are amended for the sake of clarity. Specifically, claim 13 is amended to recite that the disconnecting step occurs after the sensor is formed and that the stress gradient bends the second portion upon disconnection of the second portion from the substrate. Claim 25 is similarly amended to recite that the stress gradient bends the second portion upon disconnection of the second portion from the substrate. It is respectfully submitted that the claims are not narrowed by such clarifying amendments.

Claims 1, 2, 9-14 and 21-24 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,396,677 to Chua et al. (hereafter, "Chua"). This rejection is respectfully traversed.

As discussed at the personal interview, Chua does not disclose a microelectromechanical system based sensor or a method of fabricating a microelectromechanical system based sensor. Chua discloses a semiconductor material layer which is considered to be a sensor material layer. However, as agreed at the interview, Chua does not disclose a sensor.

In accordance with the agreement reached at the interview, claims 1 and 13 are amended to recite a sensor and forming a sensor, respectively. Therefore, it is respectfully submitted that claims 1 and 13 are patentable over Chua. Further, it is respectfully submitted that claims 2, 9-12, 14 and 21-24 are patentable over Chua, at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) over Chua is respectfully requested.

Claims 3-5 and 15-17 stand rejected under 35 U.S.C. §103(a) over Chua in view of U.S. Patent No. 6,429,417 to Street et al. (hereafter, "Street"). This rejection is respectfully traversed.

It is respectfully submitted that Street does not make up for the deficiency of Chua discussed above. Therefore, it is respectfully submitted that claims 3-5 and 15-17 are patentable over Chua and Street, at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Chua and Street is respectfully requested.

Claims 6, 7, 18 and 19 stand rejected under 35 U.S.C. §103(a) over Chua in view of U.S. Patent No. 6,300,706 to Grudkowski et al. (hereafter, "Grudkowski"). This rejection is respectfully traversed.

It is respectfully submitted that Grudkowski does not make up for the deficiency of Chua discussed above. Therefore, it is respectfully submitted that claims 6, 7, 18 and 19 are patentable over Chua and Grudkowski, at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Chua and Grudkowski is respectfully requested.

Claims 8 and 20 stand rejected under 35 U.S.C. §103(a) over Chua in view of U.S.

Patent No. 6,267,605 to Biegelsen. This rejection is respectfully traversed.

It is respectfully submitted that Biegelsen does not make up for the deficiency of Chua discussed above. Therefore, it is respectfully submitted that claims 8 and 20 are patentable over Chua and Biegelsen, at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Chua and Biegelsen is respectfully requested.

Claims 32-37, 39 and 40 stand rejected under 35 U.S.C. §103(a) over Chua in view of U.S. Patent No. 6,636,653 to Miracky et al. (hereafter, "Miracky"). This rejection is respectfully traversed.

It is respectfully submitted that Miracky does not make up for the deficiency of Chua discussed above. Therefore, it is respectfully submitted that claims 32-37, 39 and 40 are patentable over Chua and Miracky, at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over Chua and Miracky is respectfully requested.

New claims 42 and 43 are patentable over the references of record at least in view of the patentability of claims 1 and 13 from which they respectively depend, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-43 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KLK/kzb
Attachment:
Amendment Transmittal

Date: August 2, 2004

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